

IN RE: PETITION FOR VARIANCE

W side of New Avenue; 247 feet S
of the c/l of Bond Avenue
4th Election District
3rd Councilmanic District
(306 New Avenue)

Mary A. Beard
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2010-0085-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Mary A. Beard. Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling with a side yard setback of 8 feet and a sum of side yards of 18 feet and a front yard average setback of 25.5 feet, in lieu of the required side yard setback of 15 feet and sum of side yards of 25 feet and the front setback of 30 feet. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Mary A. Beard, as well as Petitioner's builder, Roy Snyder. Appearing as an interested citizen was George Harman of 5429 Weywood Drive in Reisterstown. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is rectangular in shape and consists of approximately 10,125 square feet or 0.23 acre, more or less, zoned D.R.3.5. The property is located on the west side of New Avenue and south of Bond Avenue in the Reisterstown area of Baltimore County. The property is presently improved with an existing

11.16.09
P2

one-story framed dwelling. At this juncture, Petitioner desires to raze the dwelling and replace it with a new dwelling; however, in order to do so, Petitioner is in need of the aforementioned variance relief.

In order to give some context and perspective to the instant request, a brief history of the subject property and the adjacent property to the south at 308 New Avenue is warranted. Petitioner, Mary A. Beard, previously filed a petition for special hearing and variance in Case No. 07-025-SPHA requesting a determination that the subject lots had not merged and to permit a lot width of 44 feet and other setbacks. By his Order, then-Deputy Zoning Commissioner John V. Murphy denied the relief requested on September 7, 2006 finding in part that Petitioner's father, John O. Beard, who held the lots under common ownership prior to his death on September 18, 2003, had merged the lots as that doctrine is discussed in the seminal case of *Remes v. Montgomery County*, 387 Md. 52 (2005). He instructed Petitioner on the need to establish an internal common lot line between the lots from which new construction can be varied through the re-subdivision process.

Petitioner then hired Joseph Larson and Spellman, Larson & Associates, Inc. to pursue the minor subdivision of the property held by her late father into two separate lots. During the process, it was determined that Petitioner would need variance relief from the minimum lot width requirements of the B.C.Z.R. As such, Petitioner and her sister, Edie Beard, filed Petitions for Variance in Case Nos. 08-392-A and 08-393-A, respectively. In an Order dated April, 2008, Zoning Commissioner William J. Wiseman, III granted the variance requests. A copy of Mr. Wiseman's Order was marked and accepted into evidence as Petitioner's Exhibit 3 and is incorporated herein by reference.

11-16-09
m

Following the minor subdivision of the property, Edie Beard retained ownership of Lot 2 (308 New Avenue as shown on the site plan), which was at that time unimproved, and Petitioner retained ownership of Lot 1 (306 New Avenue -- the subject property as shown on the site plan), which was improved with a dwelling. When Edie Beard began working through the process of hiring a builder and determining an adequate design and size for a new home, it became apparent that a variance would be needed and Ms. Beard filed a Petition for Variance from Section 1B02.3C.1 of the B.C.Z.R. for the side yard setback and a sum of side yards, respectively, for a proposed one-story, single-family dwelling measuring 27 feet 6 inches wide by 60 feet deep. In Case No. 10-0010-A, Mr. Wiseman issued an Order dated October 2009 granting the variance requests. In his decision, Mr. Wiseman noted that the proposed dwelling would be consistent with other homes in the area as demonstrated by the building elevations submitted and reviewed as well as photographs of the area. The new home would be centered on the lot with the same side yard setbacks as other homes in the area consistent with adjacent properties.¹ Finally, he noted that the Office of Planning supported the requested relief as indicated in its Zoning Advisory Committee (ZAC) comment contained in the case file. He also recognized that the variance requests in the case were driven by the narrow configuration and size of the lot. A copy of Mr. Wiseman's Order was marked and accepted into evidence as Petitioner's Exhibit 4 and is incorporated herein by reference, as is the Minor Subdivision Plat that was marked and accepted into evidence as Petitioner's Exhibit 5.

In the instant matter, Petitioner encountered the same difficulties as her sister in designing an adequate home that would fit within the setbacks required for the lot. As such, Petitioner is requesting similar side yard and sum of side yards setback relief, as well as relief

¹ See other cases in the immediate neighborhood involving variance relief for side yard setbacks in Case Nos.: 1977-0208 (8' side yard), 1979-0249 (side yard variance), 1989-0496 (side yard variance), and 1995-0166 (side yard of 13 ½ feet).

RECEIVED FOR PLANNING
11.16.09
pm

from the front yard averaging requirement. A floor plan that was marked and accepted into evidence as Petitioner's Exhibit 6 indicates a one-story single-family dwelling measuring 27 feet 4 inches in width by 66 feet deep.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated November 2, 2009 which indicates that the structure has been designed with a width of 27 feet 3 inches. This minimal increase in size from the originally planned dwelling is insignificant. The Office of Planning supports the requested relief subject to the review of architectural elevations. Petitioner should submit elevations and photographs of the neighborhood to illustrate compatibility of the structure in terms of architectural and building placement on the lot with other single-family homes in the neighborhood.

Considering of all the testimony and evidence presented, I am persuaded to grant the variance relief. In adopting the reasons and rationale set forth by Commissioner Wiseman in Case No. 10-0010-A, I too find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests and also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

I also find that the variance requests can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that these variance requests can be granted as to meet the requirements of Section 307 of the B.C.Z.R. as interpreted in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

COPIES RECEIVED FOR FILES
11.16.09
pm

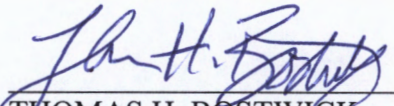
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 16th day of November, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single-family dwelling with a side yard setback of 8 feet and a sum of side yards of 18 feet and a front yard average setback of 25.5 feet, in lieu of the required is 15 feet and 25 feet and the front setback of 30 feet be and are hereby **GRANTED**.

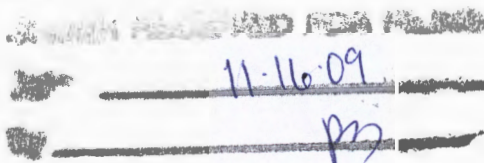
The relief granted herein shall be subject to the following:

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit building elevations and photographs of the neighborhood to the Office of Planning to illustrate compatibility of the proposed structure in terms of architecture and building placement on the lot with other single-family homes in the neighborhood.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 16, 2009

MARY A. BEARD
306 NEW AVENUE
REISTERSTOWN MD 21136

Re: Petition for Variance
Case No. 2010-0085-A
Property: 306 New Avenue

Dear Ms. Beard:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Roy Snyder, 1911 Hanover Pike, Hampstead MD 21074
George Harman, 5429 Weywood Drive, Reisterstown MD 21136



TAX. ACCOUNT

4020208727

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 306 NEW AVE
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3. C.1

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To permit a proposed single family dwelling with a side yard setback of 8' and a sum of side yards of 18', and a front yard average setback of 25.5' in lieu of the required 15' 25' and the front of 30'

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Marya Beard

Name - Type or Print

Marya Beard

Signature

Name - Type or Print

Signature

306 New Ave 410 262-3451

Address

Telephone No.

Reisterstown Md 21136

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010-00184A

REV 9/15/98

Reviewed By [Signature]

Date 9/09/09

11.16.09

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

Beard Property

306 New Avenue

July 2, 2009

Beginning on the west side of New Avenue, (Wolf Avenue), 247 feet, more or less, south of the centerline of Bond Avenue, thence

- 1) S 06° 38' 39" W 46.00 feet
- 2) N 89° 48' 39" W 220.87 feet
- 3) N 00° 12' 39" E 45.60 feet
- 4) S 89° 48' 39" E 225.00 feet to the place

of beginning.

Containing 10125 square feet , (0.23 acres) of land, more or less.

Being all of Lot 13 and part of Lot 14, on the Plat entitled " Subdivision Property of Jacob W. Wolfe ", recorded among the Land Records of Baltimore County, Maryland, in Plat Book 7 folio 79, known as No. 308 New Avenue Reisterstown, Fourth Election District and Third Councilmanic District of Baltimore County, Maryland.



2010-0085-A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0085-A

Petitioner: MARY BEARD

Address or Location: 306 NEW AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARY BEARD

Address: 306 NEW AVENUE

REISTERSTOWN, MARYLAND 21136

Telephone Number: 410-262-3451

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 61710

Date: 9/9/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
<u>001</u>	<u>806</u>	<u>0000</u>		<u>650</u>				<u>65.00</u>

Total: 65.00

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2010-0085-A

306 New Avenue

W/side of New Avenue, 247 feet south of the centerline of Bond Avenue

4th Election District — 3rd Councilmanic District

Legal Owner(s): Mary Beard

Variance: to permit a proposed single family dwelling with a side yard setback of 8 feet and a sum of side yards of 18 feet and a front average setback of 25.5 feet in lieu of the required 15' and 15' and the front setback of 30'.

Hearing: Friday, November 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/524 October 29

219305

CERTIFICATE OF PUBLICATION

10/29/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/29/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

RE: Case NO. 2010-0085-A

Petitioner/Developer _____

Mary Beard

Date of Hearing/Closing 11/13/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

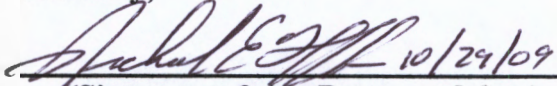
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

306 New Ave.

The sign(s) were posted on 10/29/09
(Month, Day, Year)

Sincerely,

 10/29/09
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2010-0085-A

Petitioner/Developer: _____

Mary Beard

Date of Hearing/Closing: 11/13/09



306 New Ave.

Posting Date: 10/29/09

Michael E. Giff 10/29/09
(Signature and date of sign poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 14, 2009

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0085-A

306 New Avenue

W/side of New Avenue, 247 feet south of the centerline of Bond Avenue

4th Election District – 3rd Councilmanic District

Legal Owners: Mary Beard

Variance to permit a proposed single family dwelling with a side yard setback of 8 feet and a sum of side yards of 18 feet and a front average setback of 25.5 feet in lieu of the required 15' and 15' and the front setback of 30'.

Hearing: Friday, November 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mary Beard, 306 New Avenue, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 29, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 29, 2009 Issue - Jeffersonian

Please forward billing to:

Mary Beard
306 New Avenue
Reisterstown, MD 21136

410-262-3451

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0085-A

306 New Avenue

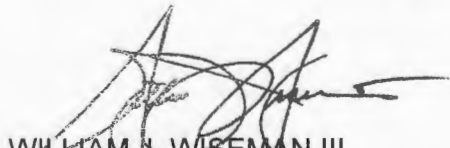
W/side of New Avenue, 247 feet south of the centerline of Bond Avenue

4th Election District – 3rd Councilmanic District

Legal Owners: Mary Beard

Variance to permit a proposed single family dwelling with a side yard setback of 8 feet and a sum of side yards of 18 feet and a front average setback of 25.5 feet in lieu of the required 15' and 15' and the front setback of 30'.

Hearing: Friday, November 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

November 3, 2009

Mary Beard
306 New Ave.
Reisterstown, MD 21136

Dear: Mary Beard

RE: Case Number 2010-0085-A, 306 New Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 09, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 11/13
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 2, 2009

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

SUBJECT: 306 New Avenue

INFORMATION:

NOV 03 2009

Item Number: 10-085

ZONING COMMISSIONER

Petitioner: Mary Beard

Zoning: DR 3.5

Requested Action: Variance

The petitioner requests a variance from Section 1B02.3.C.1 of the BCZR to permit a side yard setback of 8 feet and a sum of side yards and front average of 18 feet in lieu of the required 25 feet, respectively for a proposed dwelling.

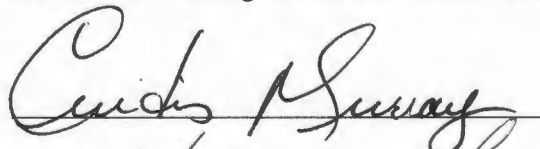
SUMMARY OF RECOMMENDATIONS:

Submit building elevations and photographs of the neighborhood to illustrate compatibility of the proposed structure in terms of architecture and building placement on the lot with other single-family homes in the neighborhood.

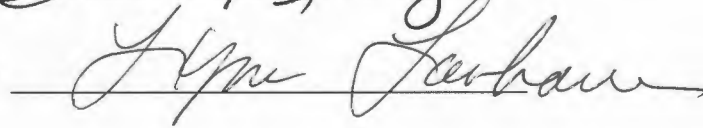
The structure has been designed with a width of 27'-3". This minimal increase in size from the originally planned dwelling is insignificant. The Office of Planning supports the requested relief subject to the review of architectural elevations.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



TB 11/13
10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-085-A
Address 306 New Avenue
(Beard Property)

Zoning Advisory Committee Meeting of September 14, 2009

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/29/09



County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067,068,070,071,072,073,074,075,076,077,079,080,081,082,083,084
and 0085

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 21, 2009

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 21, 2009
Item Nos. 10-068, 069, 072, 073, 074, 075,
076, 081, 082, 083, 084, 085 and 086

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09212009(b) -NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 22, 2009

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2010-0085-A
306 NEW AVENUE
BEARD PROPERTY
VARIANCE-

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0085-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael Bailey" or similar, written over a faint, larger signature.

Fon¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

* * * * *

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

TOTAL (51) $\div$ (2) = 25.5
of dwellings REQUIRED FRONT SETBACK (averaged)

applicant's name

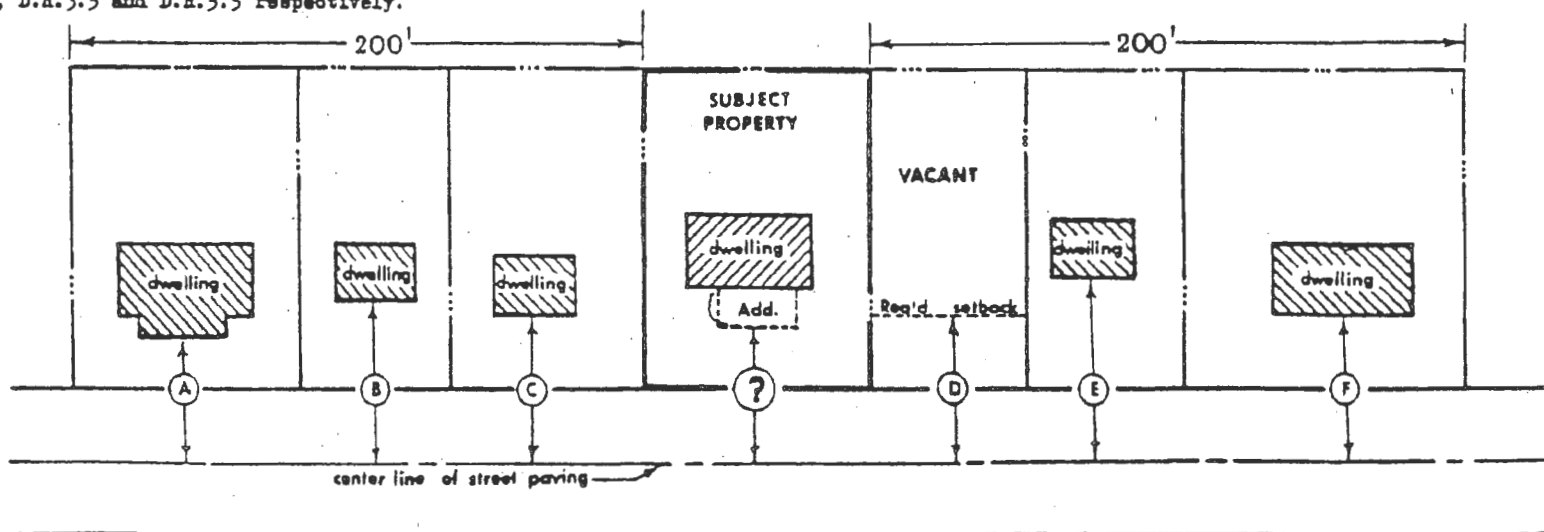
building address

date

D.R.2 - 65 ft.

D.R. 3.5- 55 ft.

D.R.5.5- 90 ft.



2010 0085-A

*previous
order*

IN RE: PETITIONS FOR VARIANCE	*	BEFORE THE
W/S New Avenue, 247' & 293' S c/line of	*	ZONING COMMISSIONER
Bond Avenue	*	
(306 & 308 New Avenue)	*	OF
4 th Election District	*	
3 rd Council District	*	BALTIMORE COUNTY
	*	
Mary A. Beard & Edie E. Beard	*	Case Nos. 08-392-A & 08-393-A
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by Mary A. Beard, and her sister, Edie E. Beard, for two (2) adjacent properties known as 306 and 308 New Avenue. Since the properties are owned by related family members and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 08-392-A (306 New Avenue), the Petitioner, Mary A. Beard, as originally filed, requests variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 45 feet for proposed Lot 1, in lieu of the required 70 feet. In Case No. 08-393-A (308 New Avenue), Petitioner, Edie E. Beard, requests similar relief. Specifically, relief is requested from B.C.Z.R. Section 1B02.3.C.1 to permit a lot width of 51 feet for proposed Lot 2, in lieu of the minimum required lot width of 70 feet. At the outset of the hearing, however, Petitioners amended their petitions asking to include the approval of the subject properties as undersized lots, pursuant to Section 304 of the B.C.Z.R. The subject properties and requested relief are more particularly described on the site plan submitted in each case, which were accepted into evidence and respectively marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Mary A. and Edie E. Beard, property owners, Joseph L. Larson, a principal with Spellman, Larson &

PETITIONER' S

EXHIBIT NO. 3

2010 0085-A

Associates, Inc., the consultants who prepared the site plans. There were no Protestants or other interested persons present. It is noted that I received confirmation from the adjoining and adjacent property owner, Edith Hawkins, indicating that she does not oppose Petitioners' requested zoning relief.

An appreciation of the properties past history and use is relevant and is briefly outlined. The Petitioner, Mary A. Beard, filed a petition for special hearing and variance in Case No. 07-025-SPHA requesting a determination that the subject lots had not merged and to permit a lot width of 44 feet and other setbacks. By his Order, Deputy Zoning Commissioner John V. Murphy denied the relief requested on September 7, 2006 finding in part that the Petitioner's father, John O. Beard, who held the lots under common ownership prior to his death on September 18, 2003, had merged the lots as that doctrine is discussed in the seminal case of *Remes v. Montgomery County*, 387 Md. 52 (2005). He instructed the Petitioner on the need to establish an internal common lot line between the lots from which new construction can be varied through the resubdivision process.

The Petitioners now come with this new approach as they are processing the minor subdivision (Case No. 06-132M) and seek the relief as set forth above to permit development of the property with a new one-story single-family dwelling on proposed Lot 1 as shown on Petitioners' Exhibit 1.

Testimony and evidence offered revealed that the subject adjacent parcels are located on the west side of New Avenue (aka Wolfe Avenue) south of Bond Avenue in Reisterstown. The lots are identified as Lots 13 and 14 on the plat of subdivision of the Jacob W. Wolfe property, which is an older subdivision that was platted and recorded in the Land Records prior to 1945, thus prior to the first set of zoning regulations in Baltimore County. As is often the case with

older subdivisions, many of the lots are undersized and do not meet current area and width requirements. In this regard, each of the subject lots contains a gross area of over 10,000 square feet (Lot 13 – proposed Lot 1 will be 45'6" wide x 225' deep and contain 10,125 square feet; Lot 14 – proposed Lot 2 will be 51.6' wide x 220' deep and contain 11,267 square feet), more or less, zoned D.R.3.5. John O. Beard had owned both lots since March 29, 1950. Following his death, the Petitioners acquired ownership under his will and planned to improve the lots with new single-family dwellings in which they will reside. Testimony indicated that these new dwellings will meet all front, side and rear setback requirements. Relief is requested to approve lot widths of 45 feet and 51 feet respectively and to approve the properties as undersized lots (width at building line less than that required by the area regulations) to permit the proposed development. Photographs and real property data search records obtained from the Maryland Department of Assessments and Taxation illustrate the pattern of development and show that the subject properties and surrounding community were built on 48-foot wide lots which is also confirmed by the Office of Planning in its Zoning Advisory Committee (ZAC) comment. Thus, it appears with the resubdivision applied for in December 2006 pending only the approval of the instant petitions the relief requested is appropriate and consistent with the neighborhood. Testimony offered in support of the requests was that without variance relief, the lots could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the properties (*See Belvoir Farms v. North* 355 Md. 259 [1999]). Moreover, based on the testimony and evidence presented, the Petitioners are entitled to their variances as they have met the requirements of Section 304 of the B.C.Z.R. (*See Mueller v. People's Counsel for Baltimore County* 177 Md. App. 43 [2007]). In my view, the relief requested will not result in any detriment to the health,

safety and general welfare of the surrounding locale and, therefore, would meet the spirit and intent of Section 307 for relief to be granted. The proposed dwellings will meet all front, side and rear setback requirements and will be situated on the lots consistent with other houses in the community. The only deficiency in both of these instances is the lot width, which is approximately 20 feet shy of the required 70 feet.

Pursuant to the resubdivision of the property, the advertisement, posting of the properties and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of April 2008, that the Petition for Variance filed in Case No. 08-392-A, seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 45 feet in lieu of the minimum required 70 feet, and approval of the subject property (Lot 1) as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 306 New Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 08-393-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 51 feet, in lieu of the minimum required 70 feet, and approval of the subject property (Lot 2) as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 308 New Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED subject to the following conditions:

1. ADVISORY: This Order allows lot widths of 45 and 51 feet respectively for the creation of proposed Lots 1 and 2 but does not address the proposed resubdivision. The Petitioners resubdivision proposal to create the proposed Lots

1
6/19/08.

1 and 2 must be submitted to the Development Review Committee for consideration and completion.

2. Prior to the issuance of any permits, the Petitioner(s) shall submit building elevation drawings of the proposed dwelling(s) to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area. Said elevations and architectural drawings shall include the detached garage, if any, and show parking on the side or the rear of the lot.
3. The Petitioner(s) may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner(s) are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

IN RE: PETITION FOR VARIANCE
W/S New Avenue, 293' S of c/line
Bond Avenue
(308 New Avenue)
4th Election District
3rd Council District

Edie E. Beard
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
ZONING COMMISSIONER
Case No. 2010-0010-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Edie E. Beard. The Petitioner requests a variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet (south side) and a sum of side yards of 23 feet in lieu of the required 15 feet and 25 feet, respectively for a proposed dwelling. The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was the owner of the property, Edie Beard, and her builder, Nina C. Catagnus and Charles C. Catalfano, with Clayton Homes, who are assisting the Petitioner through the permitting process. There were no Protestants. William Johnson, a neighbor residing at 53 Bond Avenue (across from Petitioner's property) appeared in support of the proposal. There were no other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the west side of New Avenue just south of Bond Avenue in Reisterstown. The property is also known as Lot 14 in the subdivision of Jacob W. Wolf, an older subdivision which was recorded in the Land Records of Baltimore County prior to 1945 prior to the effective date of the zoning regulations. As is the case with older subdivisions, many of the lots do not meet current area and/or width requirements

PETITIONER'S

EXHIBIT NO. 4

property is approximately 51'-6" wide and 220 feet deep and contains a gross area of 11,269 square feet, zoned D.R.3.5. While those regulations require a minimum area of 10,000 square feet, a *minimum width of 70 feet* is required. Thus, the subject lot is undersized by today's development standards. For an appreciation of the property's past history, see prior zoning Cases 07-025-SPHA and 08-393-A.

Variance relief is requested as set forth above to allow the development of the subject property with a one-story, single-family dwelling 27'-6" wide x 60' deep. Testimony revealed that the subject property has been in the Beard family since 1950. The Petitioner, daughter of John O. Beard (now deceased), took title to the property in 2006 and now wishes to develop it with a new single-family dwelling in which she will reside. The proposed dwelling will be consistent with other homes in the area as demonstrated by the building elevations submitted and reviewed as well as photographs of the area. The new home will be centered on the lot with the same side yard setbacks as other homes in the area consistent with adjacent properties.¹ The building elevations have been submitted to the Office of Planning for review and approval and will be amended prior to the granting of a building permit to include a double window and shutters on the street front facade. The Office of Planning supports the requested relief as indicated in its Zoning Advisory Committee (ZAC) comment dated September 30, 2009. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the

¹ See other cases in the immediate neighborhood involving variance relief for side yard setbacks in Case Nos.: 1977-0208 (8' side yard), 1979-0249 (side yard variance), 1989-0496 (side yard variance), and 1995-0166 (side yard of 13 ½ feet).

B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioner in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of October 2009 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet and a sum of side yards of 23 feet in lieu of the required 15 and 25 feet, respectively, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED.

- The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

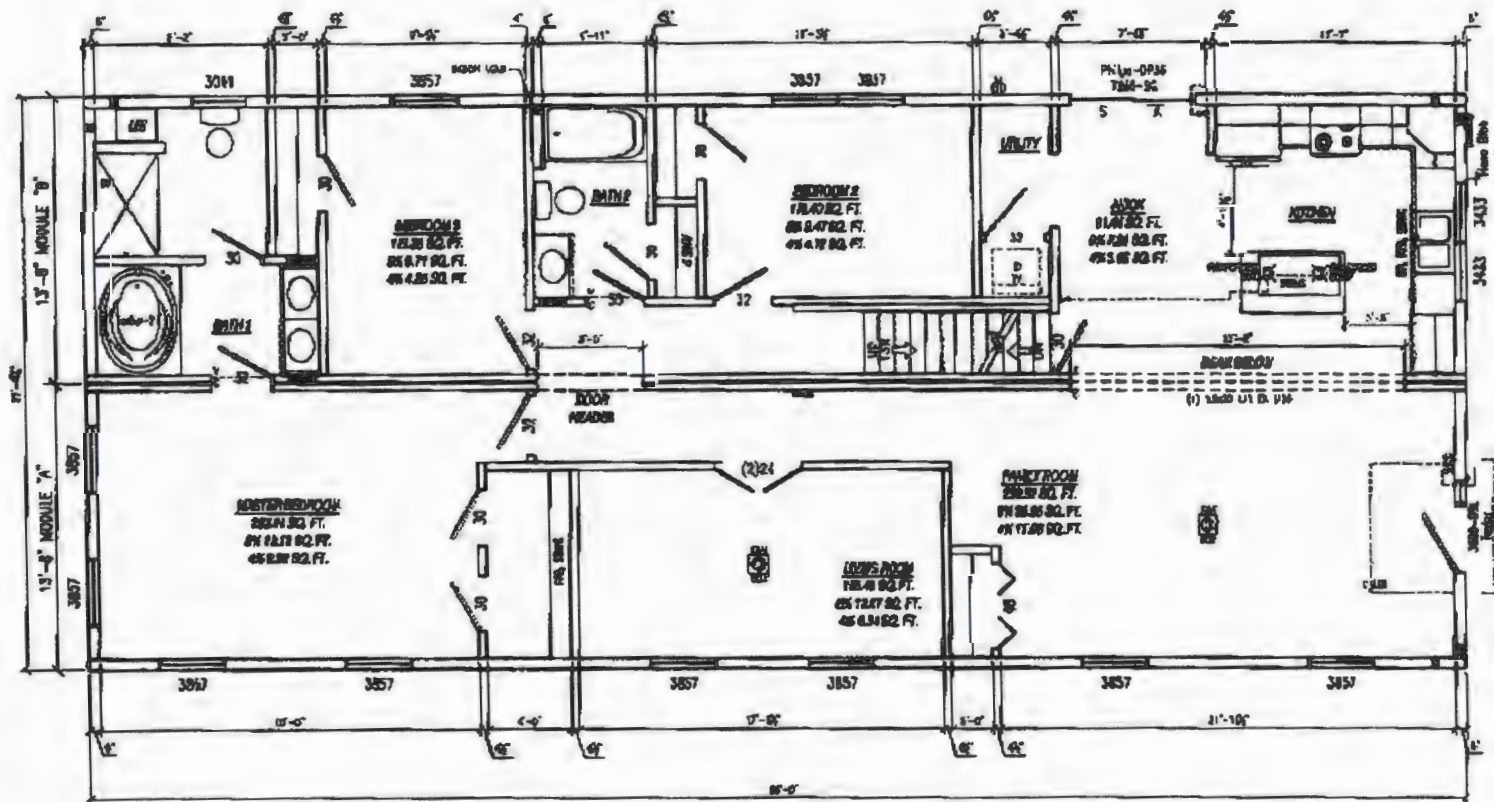
WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

27'4" x 66'

LOCATIONS NEEDED:
1. 5 CCK LIGHTS KITCHEN

This Drawing is for REFERENCE ONLY and may be used in conjunction with STRUCTURAL DRAWINGS AND DETAILS. These plans are drawn as APPROXIMATE REPRESENTATIONS. Actual dimensions and over-all appearance may differ due to construction techniques and conditions that are beyond MANORWOOD'S control. In Signing, I Acknowledge I Have Reviewed And Accept This Print.



PETITIONER'S

EXHIBIT NO.

6

RECEIVED JUN 19 2009

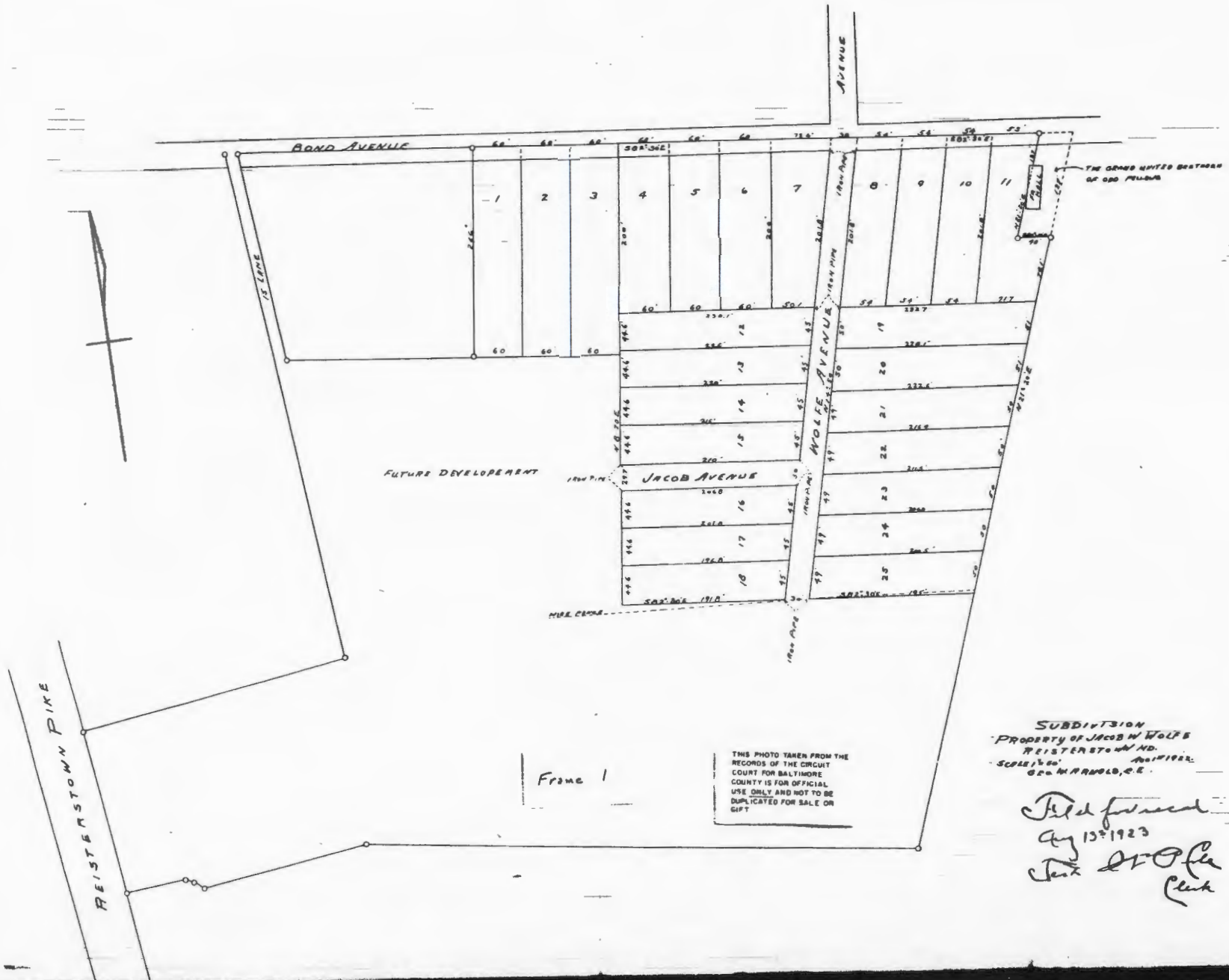
WIND/EXPOSURE:	C/90
GROUND SNOW LOAD:	40 PSF

SCHAFFS THOMASVILLE	
DATE: 06/19/09	TIME: 10:19
BY: 7172254593	SA1.1

04-14-'09 15:17 FROM-Manorwood Homes

5703450497

T-426 P005/012 F-110



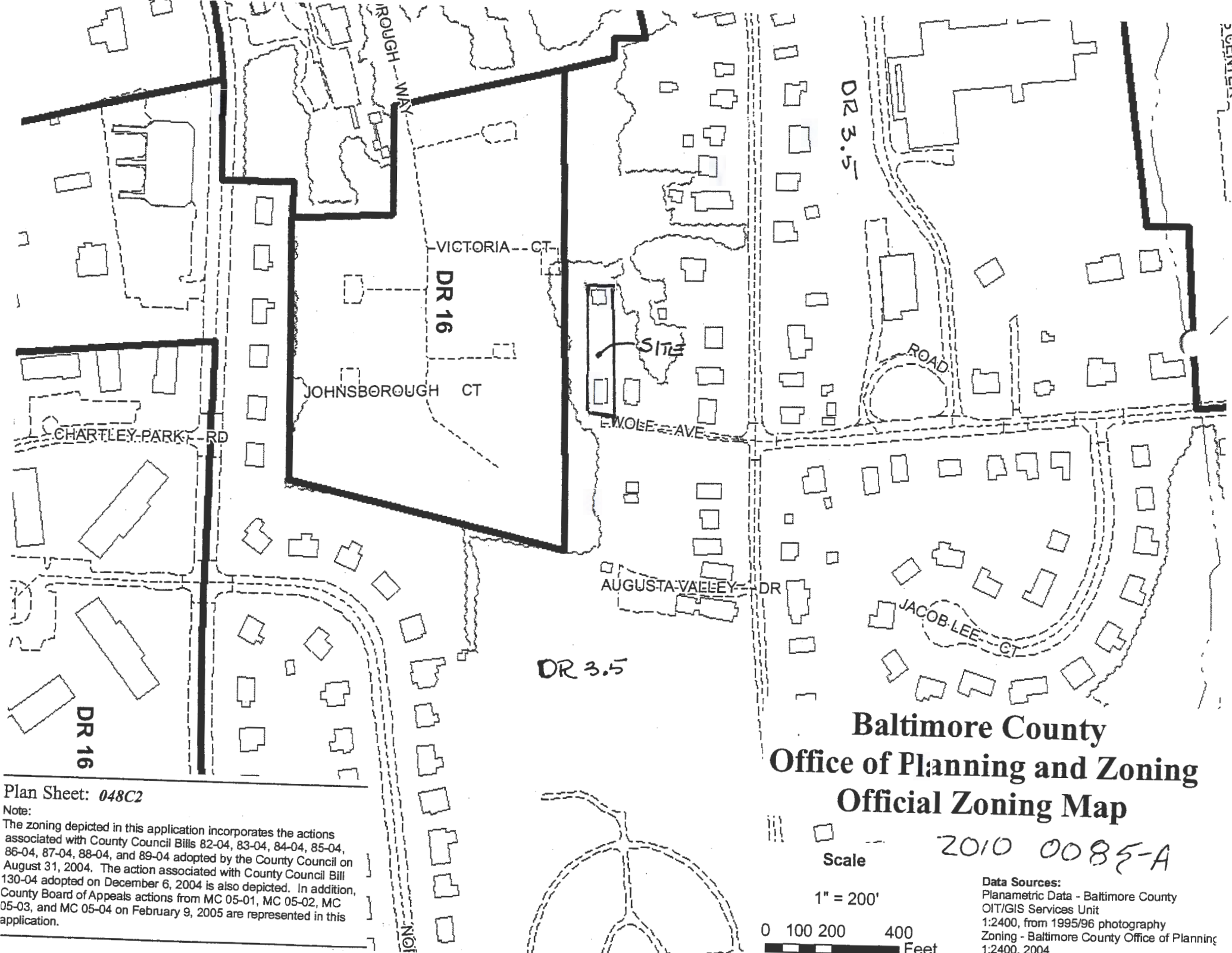
Frame 1

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT

SUBDIVISION
PROPERTY OF JACOB W. WOLFE
REISTERSTOWN MD.
SCALE 1/4" = 100' AS SHOWN
BY M. H. ARNOLD, C.E.

Filed for record
Aug 15th 1923
J. H. O'Leary
Clerk

2060 0085-A

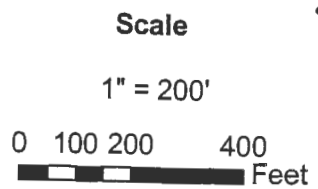


Plan Sheet: 048C2

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

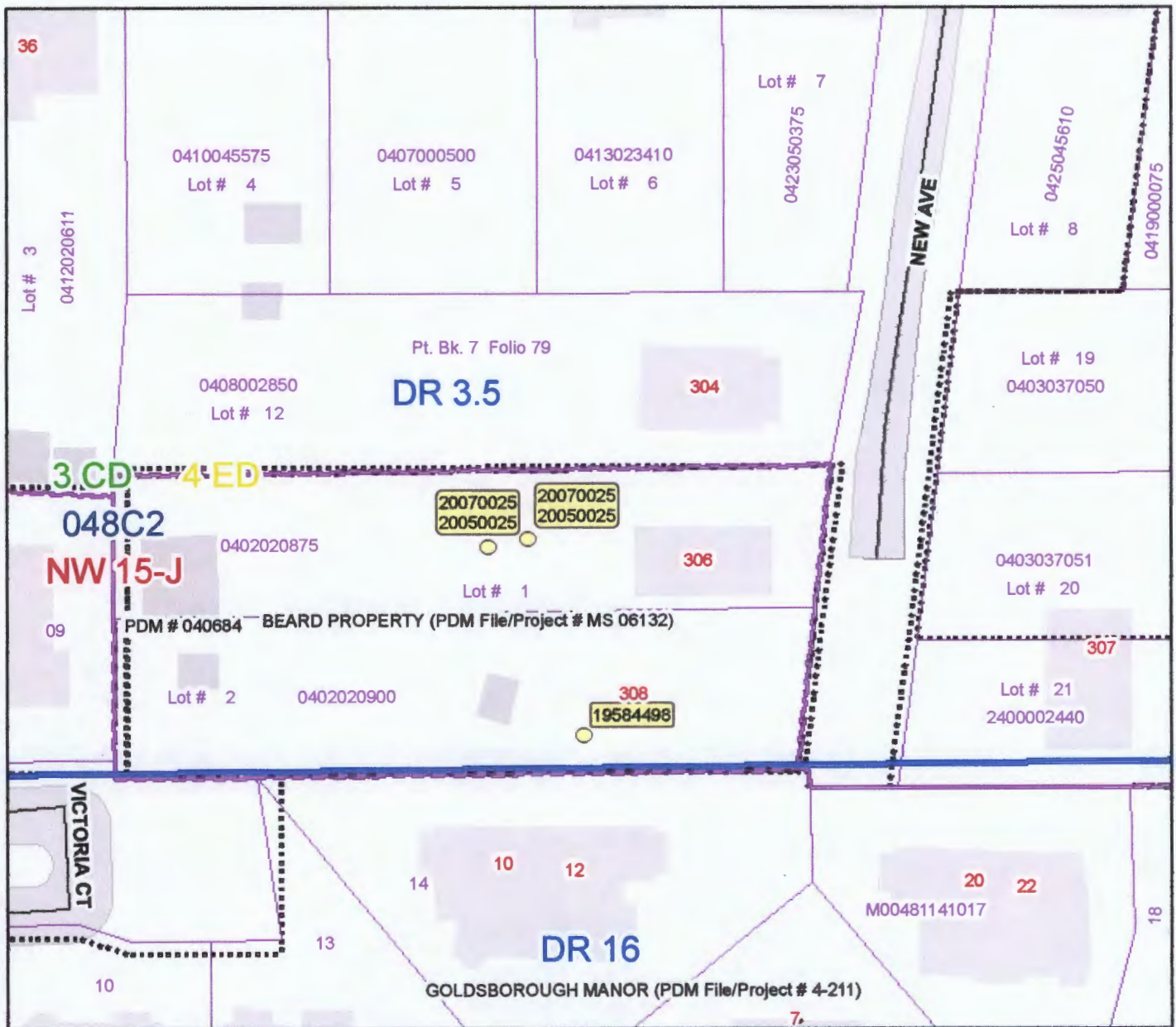
Baltimore County Office of Planning and Zoning Official Zoning Map

2010 0085-A



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

306 New Avenue



DQ Map Notes

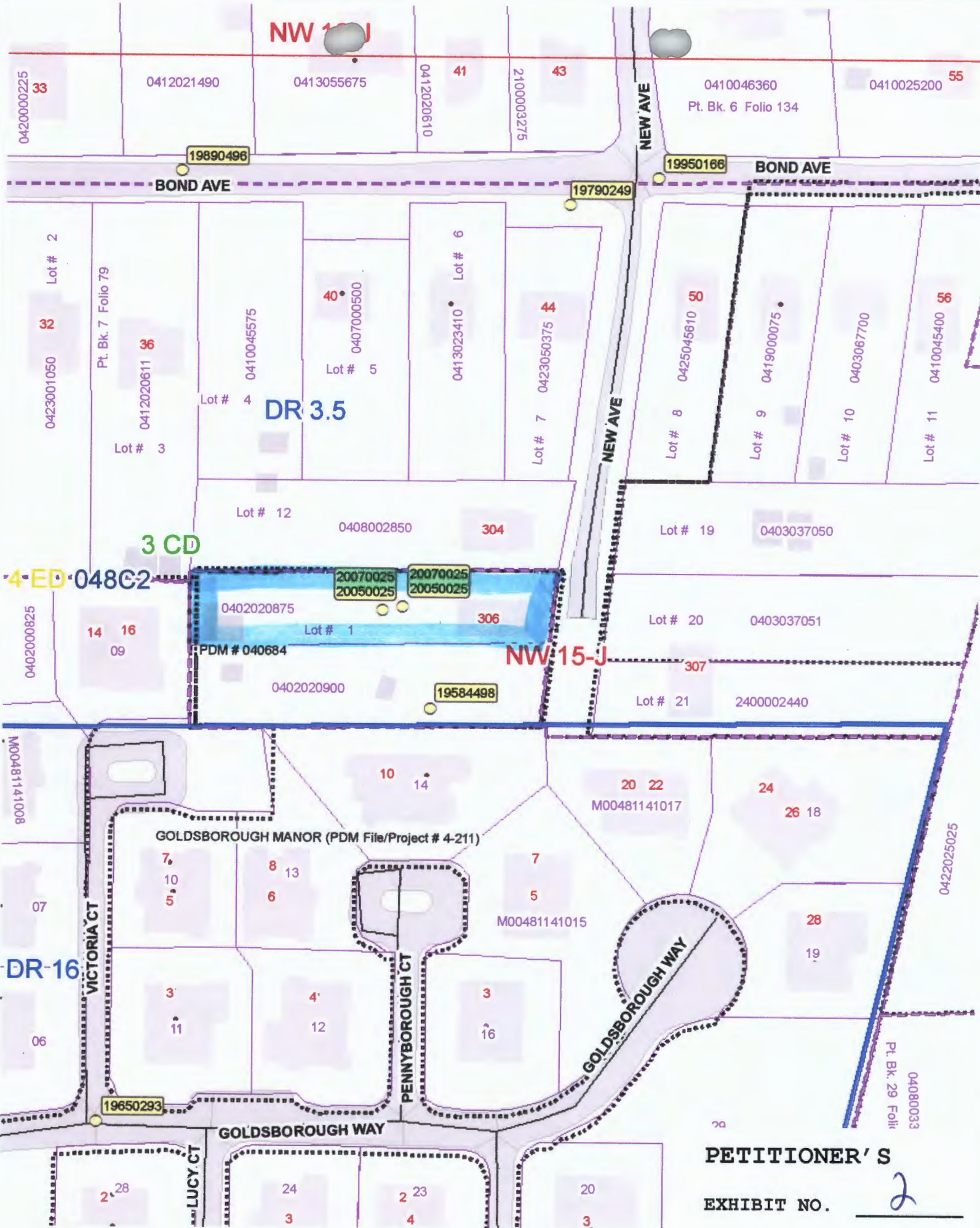


Publication Date: September 09, 2009
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50 Feet
 1 inch equals 50 feet

2010 0085-A



PETITIONER'S

EXHIBIT NO.

2

2010 0085-A

2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT SITE.
4. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. THE SITE DOES NOT LIE WITHIN A FLOOD PLAIN.
6. HOUSE DOWNSPOUTS ARE TO DISCHARGE INTO PERVIOUS AREAS OR INTO DRY WELLS WHERE FEASIBLE.
7. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATERCOURSE, WETLAND STORMDRAIN OR ADJACENT PROPERTY.
8. LOCAL OPEN SPACE IS NOT REQUIRED IN ACCORDANCE WITH BILL NO 110-99.
9. AREAS BETWEEN THE SIGHT LINE AND THE CURBLINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
10. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREAS AND RUNOFF CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS OR INTO DRYWELLS WHERE FEASIBLE.
11. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100 FT OF THE SUBJECT PROPERTY OTHER THAN AS SHOWN HEREON.
12. THE SUBJECT PROPERTY HAS BEEN HELD INTACT SINCE 1926. THE DEVELOPERS SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN HAS EVER UTILIZED OR RECORDED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.

13. THERE ARE NO RARE OR THREATENED SPECIES HABITAT.
14. THE SUBJECT SITE RESIDES IN SOIL DESIGNATION GcB2, GLENELG.

15. THE EXISTING SEPTIC SYSTEM WILL BE PUMPED AND BACK FILLED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR. WHEN PUBLIC SEWER IS CONNECTED TO 306 NEW AVE.
16. THE SUBJECT SITE IS NOT IN ANY FAILED BASIC SERVICE OR MORATORIUM AREA.

17. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

18. THE PROPOSED DRIVEWAY IS TO CONFORM TO STANDARD PLATE R-14.

19. THE SUBJECT PROPERTY WILL NOT REQUIRE STORMWATER MANAGEMENT REFER TO DEPDM MEMO OF 10-17-07

20. THERE WILL BE NO OVERALL GRADING FOR THE SUBJECT SITE. GRADING WILL ONLY BE FOR THE CONSTRUCTION OF THE DWELLING.

21. THE EXISTING DWELLING @ 306 NEW AVENUE WILL BE RAZED AFTER THE APPROVAL OF THIS PLAT. WHEN A NEW DWELLING IS CONSTRUCTED IT WILL BE CONNECTED TO PUBLIC SEWER. (REFER TO NOTE NO. 15)

22. 306 NEW AVENUE HAS DIRECT ACCESS TO THE 30' R/W AS SHOWN ON PLAT BOOK 7 FOLIO 70 AS DOES 306 & 304 NEW AVE.

23. ANY NEW CONSTRUCTION ON LOT NO. 1 WILL COMPLY WITH ALL ZONING REGULATIONS AND POLICIES.

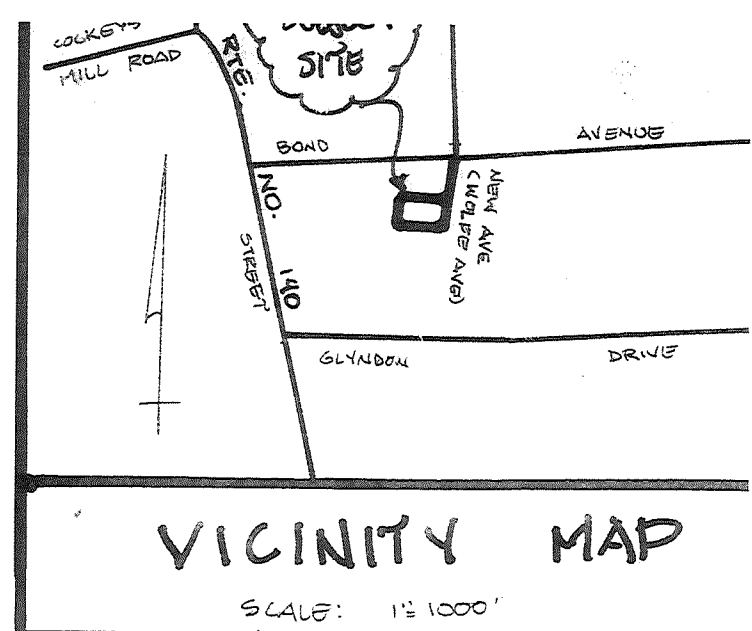
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County that, on the 28th day of April 2008, that the Petition for Variance filed in Case No. 08-292-A, seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 45 feet in lieu of the minimum required 70 feet, and approval of the subject property (Lot 1) as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 306 New Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 08-293-A, seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a width of 51 feet, in lieu of the minimum required 70 feet, and approval of the subject property (Lot 2) as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 308 New Avenue, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED subject to the following conditions:

1. ADVISORY: This Order allows lot widths of 45 and 51 feet respectively for the creation of proposed Lots 1 and 2 but does not address the proposed reconfiguration. The Petitioners reconfiguration proposal to create the proposed Lots 1 and 2 must be submitted to the Development Review Committee for consideration and completion.
2. Prior to the issuance of any permits, the Petitioner(s) shall submit building elevation drawings of the proposed dwelling(s) to the Office of Planning for review and approval to ensure that the proposed house is compatible with existing homes in the area. Said elevations and architectural details shall include the detached garage, if any, and show parking on the side or the rear of the lot.
3. The Petitioner(s) may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner(s) are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

WILLIAM WISEMAN, III
Zoning Commissioner
of Baltimore County



SITE DATA

MASTER WATER PLAN DESIGNATION: W-
MASTER SEWER PLAN DESIGNATION: S-

TAXMAP GRID PARCEL	48 17 519
EXIST USE	1 SINGLE FAM. DWL
PROPOSED USE	2 SINGLE FAM. DWL
EXIST ZONING	DR 3.5
ZONING MAP	048C2
COUNCILMANIC DISTRICT	3RD
CENSUS TRACT	404 501
WATERSHED	GWYNNS FALLS
SUBWERSHED	67
REGIONAL PLANNING DIST	306
SCHOOL DISTRICTS	GLYNDON E.S. FRANKLIN M.S. FRANKLIN H.S.

PROPERTY IDENTIFICATION

LOT 1 - (LOT 13 - PD 7 FOLIO 70)	
SITE AREA	0.23 AC.
TAX ACCOUNT NO.	0402020875
DEED REFERENCE	6182-28
LOT 2 - (LOT 14 - PD 7 FOLIO 70)	
SITE AREA	0.26 AC.
TAX ACCOUNT NO.	0402020900
DEED REFERENCE	6213-304

DENSITY CALCULATION:

IN COMPLIANCE WITH THE BCZR PD 7.5 ZONES THE 2 LOTS AS SHOWN HEREON MEET THE LOT AREA REQ

SPECIAL NOTE

THE PURPOSE OF THIS MINOR SUBDIVISION IS TO SEPARATE LOTS NO. 13 & 14 WHICH WERE MERGED BY THE CONSTRUCTION OF ACCESSORY STRUCTURE ON LOT 14 TO SUPPORT THE PRINCIPAL STRUCTURE ON LOT 13. REFER TO ZONING ORDER AS SHOWN HEREON. CASE NO. 07-025

PETITIONER'S

EXHIBIT NO. 5

OWNER INFORMATION

JOHN OLIVER BEARD
306 NEW AVENUE
KEISTERSTOWN, MD. 21136
PHONE: (410)-444-5868

REVISIONS		
NO.	DATE	DESCRIPTION
1	3-19-07	REV. PER AGENCY COMMENTS
2	3-20-07	REV. PER DPR COMMENTS
3	3-21-07	REV. PER AGENCY COMMENTS
4	10-23-07	REV. PER PLANNING COMMENTS
5	5-2-08	REV. PER ZONING ORDER

SPELLMAN, LARSO & ASSOCIATES, INC.

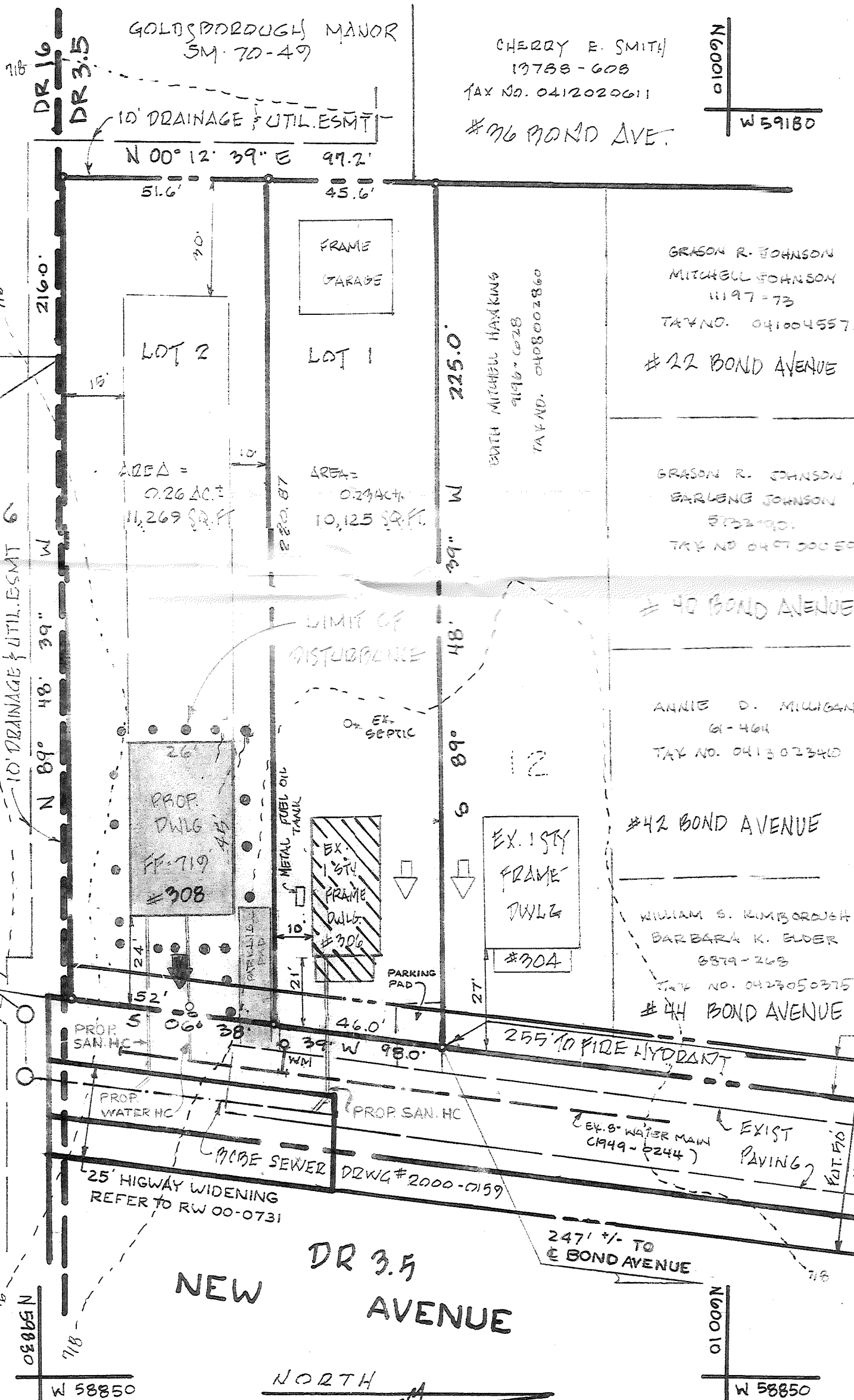
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21201
PHONE: 823-3535

MINOR SUBDIVISION PL
306 NEW AVENUE
BEARD PROPERTY
MINOR SUBDIVISION PROJECT NO. 06

RECEIVED

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of September, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that lot #13 was not merged with lot #14 and the current owner of lot #13 does not own sufficient adjoining property to allow the property owner to conform to the current zoning requirements and to confirm that the accompanying petition for a variance, if granted, will render lot #13 a buildable lot for zoning purposes is hereby DENIED; and

IT IS FURTHER ORDERED, that the Variance request is to permit a lot width of 44 feet in lieu of the required 70 feet and to permit a front yard setback of 19 feet in lieu of the required 30 feet and to permit a side yard setback of 7 feet in lieu of the required 15 feet and a sum of side yard widths of 17 feet in lieu of the required 25 feet are hereby DENIED without prejudice or a determination of the variance case on the merits. The Petitioner may apply for the requested variances along with others needed during the reconfiguration process.



BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 06-132 M

DEVELOPMENT REGULATIONS

- ☒ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2
- ☐ PARTIAL EXEMPT FROM SECTION 32-4-211 THROUGH 32-4-217 AND SECTIONS 32-4-226 AND 32-4-227

PDM CERTIFICATION

- ☒ APPROVED ☐ DISAPPROVED

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE REVIEWED

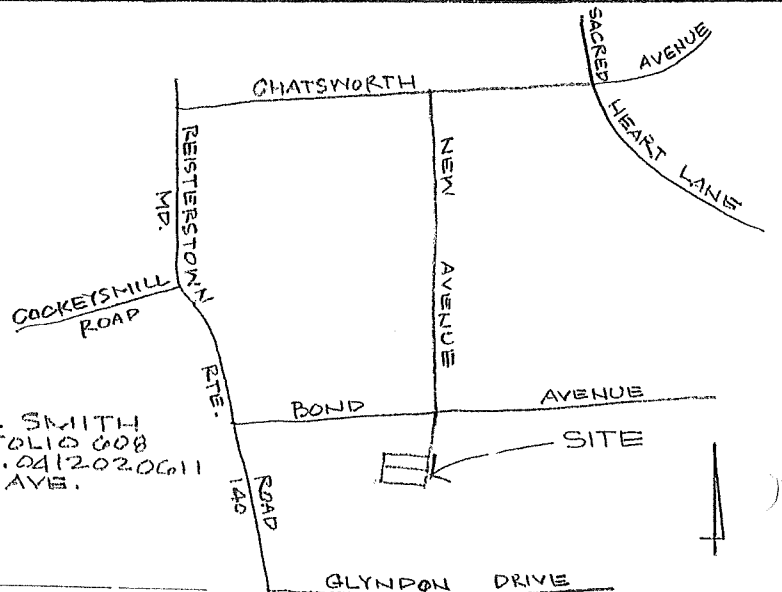
ZONING HISTORY - CASE NO. 07-025 SPHA

1 - 9-12-08 ZONING COMMENTS
6 - 7-25-08 REV. PER AGENCY COMMENTS

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE OF THE BEARD PROPERTY

306 NEW AVENUE REISTERSTOWN, MD. 21136

OWNER: MARY A. BEARD



VICINITY MAP
SCALE: 1" = 1000'

NORTH

* LOCATION INFORMATION *

ELECTION DISTRICT: 4TH.
COUNCILMANIC DISTRICT: 3RD.
1" = 200' SCALE MAP: 48 C 2
ZONING: DR-3.5
LOT SIZE: 0.23 AC ±; 10,125 SQ. FT.
SEWER: PUBLIC
WATER: PUBLIC
CHESAPEAKE BAY CRITICAL AREA: NO
100 YEAR FLOOD PLAIN: NO
HISTORIC PROPERTY/BUILDING: NO
PRIOR ZONING HEARING:

CASE NO. 07-0255PHA (LOT 1 DENIED
FOR INSUFFICIENT LOT WIDTH
SEPT. 7, 2006)

CASE NO. 08-392A & 08-393A
(APPROVED BASED ON B.C.Z.R. (B02.3.C.1)
RELIEF FOR UNDER SIZED LOTS
APRIL 28, 2008)

WILLIAM S. KIMBOROUGH
BARBARA K. ELDER
S.M. 3879 FOLIO 268
TAX ACC. NO. 0423050375
44 BOND AVE.

GRAYSON R. JOHNSON
EARLENE JOHNSON
MITCHELL JOHNSON
S.M. 1111 FOLIO 173
TAX ACC. NO. 0410045515
22 BOND AVE.

GRAYSON R. JOHNSON III
EARLENE JOHNSON
MITCHELL JOHNSON
S.M. 1111 FOLIO 173
TAX ACC. NO. 0410045515
22 BOND AVE.

ANNIE D. MILLIGAN
ERIN A. G. FOLIO 264
TAX ACC. NO. 0413015410
42 BOND AVE.

ERITH MITCHELL HAWKINS
S.M. 3196 FOLIO 623
TAX ACC. NO. 0408002800

LOT 1
0.23 AC ±
(10,125 S.F.)

MARY A. BEARD
S.M. 28487 FOLIO 105
TAX ACC. NO. 0402020875

LOT 2
0.26 AC ±
(11,269 S.F.)

EDIE E. DEAN
S.M. 24886 FOLIO 047
TAX ACC. NO. 0402020900

EX. C/D
PROP. HSE.

EX. HSE.
#306

EX. 1STY.
FRAME
HSE.
#304

EX.
FRAME
GARAGE

PROP.
HSE.
#308

EX. 8" SAN. SEWER
DWG. NO. 2000-0153

EX. 8" WATER MAIN
DWG. NO. 1949-0244

EX. PAVING

25' HIGHWAY WIDENING
RW DWG. NO. 00-0731

FUTURE 10'
HIGHWAY WIDENING

255' TO FIRE HYDRANT

247' TO
Q. BOND AVE.

PETITIONER'S

EXHIBIT NO. 1



PREPARED BY:

A.L. SNYDER
SURVEYOR INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744
FAX: 410-374-9695
alsurveyor@erols.com
JOB NO. 09015

201000 85A

DATE: SEPTEMBER 4, 2009

SCALE: 1" = 30'